

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WILLIAM R. KEEL,)	
)	
Plaintiff,)	No. 3:14-cv-00456
)	Chief Judge Haynes
v.)	
)	
METRO GOVERNMENT, et al.,)	
)	
Defendants.)	

O R D E R

Plaintiff, William R. Keel, an inmate at the Davidson County Sheriff's Office in Nashville, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants: Metro Government, State of Tennessee, Wilson County, the Lebanon Police Department, Scotty Yates, and the Davidson County Sheriff's Office. (Docket No. 1). Plaintiff also submitted an application to proceed *in forma pauperis* (Docket No. 2), that the Court granted subject to a subsequent order setting a payment schedule (Docket No. 6).

Plaintiff is herewith assessed the three hundred fifty dollars (\$350.00) civil filing fee. Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of the Plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is greater:

- (a) twenty percent (20%) of the average monthly deposits to the Plaintiff's inmate trust fund account; **or**
- (b) twenty percent (20%) of the average monthly balance in the Plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly

income, or income credited to the Plaintiff's inmate trust fund account for the preceding month, but only when his monthly income exceeds ten dollars (\$10.00). 28 U.S.C. § 1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. *Id.*

Should the Plaintiff be transferred from his present place of confinement, the custodian of his inmate trust fund account shall ensure that a copy of this order follows the Plaintiff to his new place of confinement. All payments made pursuant to this order shall be forwarded to the Clerk of Court for the Middle District of Tennessee.

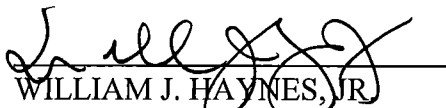
In accordance with the Memorandum filed herewith, Plaintiff's § 1983 claims against the State of Tennessee, the Lebanon Police Department, Metro Government, the State of Tennessee, Wilson County and Scotty Yates are **DISMISSED WITH PREJUDICE** for failure to state claims upon which relief can be granted.

An appeal of the judgment rendered herein would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445-446 (1962). Therefore, the Plaintiffs are **NOT** certified to pursue an appeal of this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3). Nevertheless, should the Plaintiffs decide to file a notice of appeal, they must either pay the Clerk of Court the full appellate filing fee of five hundred five dollars (\$505.00) or submit new applications to proceed *in forma pauperis* with certified copies of their inmate trust account statements for the previous six month period. 28 U.S.C. § 1915(a)(1); McGore v. Wigglesworth, 114 F.3d 601 (6th Cir. 1997).

The Clerk is **DIRECTED** to send a copy of this Order to the custodian of inmate trust fund accounts at the Davidson County Sheriff's Office to ensure that the custodian of the Plaintiff's inmate trust fund account complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees.

It is so **ORDERED**.

ENTERED this the 3rd day of October, 2014.


WILLIAM J. HAYNES, JR.
United States District Judge